

PTO/SB/28 (10-00)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
P-015-RP1

In re Application of: JI et al.

Application No. 09/456,429

Filed: December 8, 1999

For: NOVEL CALCIUM CHANNEL DRUGS AND USES

The owner, Theravance, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,420,560. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.



Signature

October 16,
2002

Date

Brad Shafer

Senior Vice President and General Counsel, Theravance, Inc.

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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PTO/SB/98 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Theravance, Inc.Application No./Patent No.: 09/456,429Filed/Issue Date: December 8, 1999Entitled: NOVEL CALCIUM CHANNEL DRUGS AND USESTHERAVANCE, INC., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: inventorsTo: Advanced Medicine, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 011042, Frame 0144, or for which a copy thereof is attached.

2. From: Advanced Medicine, Inc.To: THERAVANCE, INC.

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3. From: _____

To: _____

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

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[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

October 16, 2002

Date

Signature

Brad Shafer

Typed or printed name

Senior Vice President,
and General Counsel

Title

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PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Theravance, Inc.Application No./Patent No.: 6,420,560Filed/Issue Date: July 16, 2002Entitled: H1-HISTAMINE RECEPTOR ANTAGONISTSTheravance, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: inventors To: Advanced Medicine, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 012286, Frame 0319, or for which a copy thereof is attached.

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The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

October 16, 2002

Date

Signature

Brad Shafer

Typed or printed name

Senior Vice President,
and General Counsel

Title

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